IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

-

WRIT PETITION NO : 22440 of 2004

Between:

1. Bogga Mallesh S/o.B.Lingaiah,
   Panchavai Colony, Medipally,
   Near Uppal Depot, Hyderabad.

2. Net work of persons with Disabiliy Organisation,

regd No.1839, rep. by its President M.Srinivas,

S/o.Pentoji, O/o.16-11-310/14/5/1B, Malakpet,
Hyderabad. R/o.NPDO,Malakpet, Hyderabad.

..... PETITIONERS

AND

1. The Commissioner, Disabled Welfare Department,

Govt. of Andhra Pradesh, 6th Floor, Chandra Vihar,

M.J.Road, Nampally, Hyderabad.

2. The Superintendent, Appellate Medical Board,
   O/o The Director of Medical & Health & Family Welfare

Department, Koti, Hyderabad.

3. The Government of Andhra Pradesh, rep. by its

Principal Secretary to Govt. Women Development &

Child Welfare and Disabled welfare Department,
Andhra Pradesh, Hyderabad.

4. The Superintendent, State Medical Board,
O/o The Director of Medical & Health & Family Welfare

Department, Koti, Hyderabad.

5. The Managing Director, APSRTC., Hyderabad.

6. The Union of India, rep. by its Secretary, Human Resources

Department, Government of India, New Delhi.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus or any other appropriate writ, declaring the action of the respondents herein in not extending benefits of the person which they are entitled to under the "persons with Disabilities (Equal opportunities, Protection of Rights and full participation) Act, 1995 is arbitrary, illegal and violative of fundamental rights guaranteed under Articles 14 and 21 of the constitution of India to the members of our association and treat as permanent Locomotors disability and also issue the free bus passes in city and concessional bus passes for districts as may be deemed fit and proper in the circumstances of the case.

Counsel for the Petitioners: MR.M.A.SHAKEEL

Counsel for the respondent No.5: MR.V.T.M.Prasad

Counsel for the respondent Nos.1 to 4: GP forMedical & Health and family Welfare

Counsel for the Respondent No.6: (MR.ARAJASHEKAR REDDY) (SC FOR CG)

Mr.P.Rakesh, Addl. SC for Central Government.

The Court at the admission stage made the following:

ORDER:

The writ petition is filed to declare the action of the respondents herein in not extending benefits of the person which they are entitled to under the " persons with Disabilities (Equal Opportunities, Protection of Rights and full participation) Act, 1995 as illegal and arbitrary.

2. Several contentions were raised in the writ petition. The first respondent also filed counter affidavit stating that basing on the report of the Superintendent, Osmania General Hospital, Hyderabad, proposals were submitted to the Government vide Lr.No.SX/325/2004 dated 23.12.2004 for inclusion of the category of dwarf persons in the category of orthopaedically handicapped (locomotor) and to issue instructions to the District Medical Boards for issuance of Medical Certificates for the purpose of availing of benefits of the schemes of the Government and the Government orders are awaited.

3. Without going into merits of the case, the writ petition can be disposed, since it is a decision to be taken by the Government to include or not the dwarf persons in the category of orthopaedically handicapped. 4. The writ petition is disposed of, with a direction to the third respondent to take appropriate decision to include the dwarf persons in the category of orthopaedically handicapped within a period of three months from the date of receipt of a copy of this order. No costs.

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K.C.BHANU,J

Date: 14th February 2005.

*BSB/TSNR

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Commissioner, Disabled Welfare Dept.,
Govt. of A.P., 6th Floor, Chandravihar, M.J.Road,
Nampally, Hyderabad.

2. The Superintendent, Appellate Medical Board,
Office of the Director of Medical, Health & Family
Welfare Dept., Koti, Hyderabad.

3. The Principal Secretary To Govt., The Govt., of A.P.,
Women Development, Child Welfare & Disabled Welfare
Dept., Andhra Pradesh, Hyderabad.

4. The Superintendent, State Medical Board, Office of the
Director of Medical, Health & Family Welfare Dept,

Koti, Hyderabad.

5 The Managing Director, APSRTC, Hyderabad.

6. The Secretary, Human Resources Department, Union of India,
Government of India, New Delhi.

7. Two CCs to the Government Pleader for Medical & Health Department,
High Court of A.P., Hyderabad (OUT).

8. Two CD copies.